IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 2255 of 2005

Between:

Vaishnavi Garden, Bar and Restaurant, Rep. by its Prop. Chandragiri Venkata Seshu, S/o. Venkateswarlu, aged 34 Years, R/o. 7-1-(14), Samata Nagar, Ongole, Prakasam District.

..... PETITIONER

AND

The Assistant Provident Fund Commissioner, Employees Provident Fund, Sub-Regional Office, Third Lane, Krishna Nagar, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue Writ Order or Direction more particularly one in the nature of WRIT OF MANDAMUS, to declare the impugned order dt. 16-11-2004 in No. AP/40144/7A/SRO/GNT/PRMII/Comp III/04/1981 issued by the respondent as illegal, arbitrary, unconstitutional and against to the principles of natural justice and consequently set aside the same.

Counsel for the Petitioner: MR.S.VENKATESWARLU

Counsel for the Respondent: MR.B. NARASIMHA SARMA

The Court at the admission stage made the following :

O R D E R:

This writ petition is filed aggrieved by the order dated 16-11-2004 passed by the respondent under Section 7-A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (hereinafter referred to as 'the Act').

Against the impugned order, an efficacious alternative remedy of appeal is provided under Section 7-I of the Act. Without exhausting the said alternative remedy available under the statute, the petitioner cannot maintain the writ petition. Accordingly, the writ petition is disposed of granting leave and liberty to the petitioner to prefer an appeal under Section 7-I of the Act against the impugned order within a period of two weeks from today. If such an appeal is preferred, the respondent shall consider the same and pass appropriate orders in accordance with law.

Having regard to the facts and circumstances of the case, there shall be a further direction that the impugned order shall not be given effect to for a period of four weeks from today. No costs.

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(G.ROHINI, J)

Date: 10-02-2005

Note:

Issue CC in two days.

B/o

ghn

To

1. The Assistant Provident Fund Commissioner, Employees Provident Fund, Sub-Regional Office, Third Lane, Krishna Nagar, Guntur.

2. Two CD copies